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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,624

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Aleksej Aleksandrovich Nikiforov

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10/06/2010

LADAS & PARRY LLP
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NEW YORK, NY 10023

EXAMINER

RIPA, BRYAN D

ART UNIT

PAPER NUMBER

1795

NOTIFICATION DATE

DELIVERY MODE

10/06/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com

Office Action Summary	Application No. 10/585,624	Applicant(s) NIKIFOROV, ALEKSEJ ALEKSANDROVICH	
	Examiner BRYAN D. RIPA	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/4/08</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, claim 1 requires the “placing of a part ... on a current-conducting holder coated with an insulating material” (see lines 2 and 3 of the claim). Claim 1 further requires the method to be “characterized in that the holder of the part is externally coated with an electroinsulating material” (see lines 5 and 6 of the claim).

Please note, the Examiner is interpreting the claim as though the electroinsulating material and the insulating material are the same, i.e. that the later limitation regarding the electroinsulating material is further limiting the insulating material referred to. Based on Applicant's specification (see examples 1 and 2 on page 4 of the specification noting the holder to be an aluminum wire with or without the insulating coating at the air-electrolyte interface), this interpretation appears to be most in keeping with Applicant's disclosure; however, should Applicant intend the materials to refer to separate coatings the Applicant should make this clearly denoted. Additionally, if it is indeed Applicant's intent that the materials refer to the same coating it is further suggested that Applicant amend the claim such that the material is referred to by the same name, i.e. either electroinsulating material or insulating material, so as to be consistent and to avoid any potential ambiguity.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by McNeill et al., (U.S. Pat. No. 3,293,158) (hereinafter referred to as “MCNEILL”).

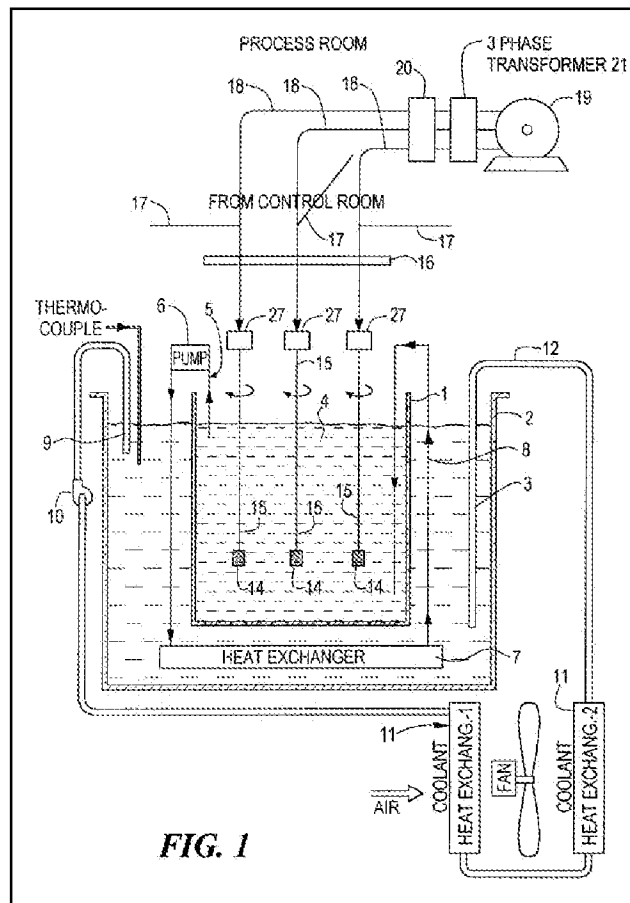
Regarding claim 1, MCNEILL teaches a method for producing heavy protective coatings exhibiting a high adhesion on parts of valve metals or alloys thereof by micro-arc oxidation (see generally col. 1 lines 13-18 teaching the method for producing a coating on a metal from anodic spark reaction, i.e. micro-arc discharge) comprising: placing a part in an electrolyte on a current-conducting holder coated with an insulating material (see col. 2 lines 26-49 teaching the anode comprising a portion of which is exposed to the electrolyte and a portion which is covered in an insulating material), producing a working voltage between the part and the electrolyte (see col. 2 lines 26-49 teaching the voltage being supplied between the anode and the cathode to produce a working voltage as claimed), raising the voltage until a micro-arc discharge is originated (see figure 1 teaching the voltage being raised; see also col. 1 lines 19-24 teaching the raising of the voltage such that dielectric breakdown occurs, i.e. where sparking or discharging occurs), characterized in that the holder of the part is externally coated with

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an electroinsulating material at the air-material interface (see col. 2 lines 36-38 teaching the masking of the anode specifically at the air-electrolyte boundary).

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by Patel et al., (U.S. Pat. No. 6,197,178) (hereinafter referred to as "PATEL").

Regarding claim 1, PATEL teaches a method for producing heavy protective coatings exhibiting a high adhesion on parts of valve metals or alloys thereof by micro-arc oxidation (see generally col. 3 lines 20-47) comprising: placing a part in an electrolyte on a current-conducting holder coated with an insulating material (see col. 5 lines 43-50 teaching the body 14 to be coated placed on electrode 15 which has been coated with an insulating material), producing a working voltage between the part and the electrolyte (see col. 5 lines 60-62 teaching the application of a voltage between the various bodies 14), raising the voltage until a micro-arc discharge is originated (see col. 5 line 61-col. 6 line 1 teaching the increasing of the voltage to generate discharge originated), characterized in that the holder of the part is externally coated with an electroinsulating material at the air-material interface (see col. 5 lines 44-46; see also figure 1 below depicting the insulated electrodes 15 as extending through the air-electrolyte interface).



Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1) U.S. Pat. No. 6,238,540 to Timoshenko et al., teaching a method for microplasma electrolytic processing of surfaces of electroconductive materials

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN D. RIPA whose telephone number is 571-270-

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7875. The examiner can normally be reached on Monday to Friday, 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on 571-272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harry D Wilkins, III/
Primary Examiner, Art Unit 1795

/B. D. R./
Examiner, Art Unit 1795